

Bangladesh Hearing - Testimony of Shapan Adnan

Situation
of Minorities of the Chittagong Hill Tracts under the Caretaker Government and
their participation in the upcoming elections

Prepared
Testimony

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I thank the US Commission on International Religious Freedom (USCIRF) for inviting me to testify at this public hearing on the upcoming national elections in Bangladesh and the participation of religious minorities in the ongoing democratic process. Given constraints of time and space, I will focus my discussion on the problems faced by the religious and ethnic minorities (Pahari or Hill peoples) of the Chittagong Hill Tracts (CHT) during 2007-08. My deposition is based on fieldwork-based research in the region during 1998-2002, followed by periodic visits, the last of which was undertaken in August 2008 as a member of the CHT Commission (however, this statement is given in my personal capacity).

Situation
faced by the Hill peoples under the current Caretaker Government

Even
with democratic governments under political leadership, the CHT is effectively under the control of the military and no major decisions can be implemented without its consent. The local military commanders outrank their counterparts in the civil administration, which helps the former to obtain the collaboration of the latter. Even elected political leaders, such as members of parliament, maintain a considered distance without intervening in the domain of the military.

The
role of the civil administration is not much more enlightened than that of the military. The Hill peoples have little representation in the civil bureaucracy running the district level administrations and official development agencies such as the CHT Development Board. These are, by and large, run by officials belonging to the majority community, i.e. the Bengali ethnic group, the majority of whom are Muslims, followed by Hindus. Most of these Bengali officials, belonging to both the religious communities, have ultra-Bengali-nationalist views and display quite undisguised partisan bias in favour of majoritarian interests, viz. fellow Bengalis who have migrated to the CHT, such as settlers, traders, and moneylenders. Correlatively, they are known for their unhelpful and often arrogant attitude towards the Hill peoples, whom they regard as socially inferior and second-class citizens.

With
the imposition of the state of emergency and suspension of democratic rule in January 2007, the military-civil bureaucracy in the CHT has not been even nominally accountable to a democratically elected political government. Since the Caretaker regime operated with the thinly veiled backing of the military command at the national level, the local commanders and district administrators in the CHT exercised power without much intervention by the government. This was the case despite the fact that a prominent leader of the Hill peoples, the Chakma Chief, was appointed by the Chief Advisor of the Caretaker government to look after the affairs of the CHT ministry, in a position equivalent to that of a minister of state.

Fieldwork
discussions with ordinary Paharis in the CHT, as well as statements and reports by their representative organizations, suggest that their freedom was curbed to an even greater extent than before during the reign of the Caretaker government. They attributed this to the virtual impunity with which the military could operate with the complicity of the civil administration, while being insulated from the scrutiny of an elected political leadership. Moreover, the otherwise free press and television of the country exercised relative restraint and a discernible degree of self-censorship vis-à-vis the role and activities of the military during this interregnum (2007-08).

Given

this relatively free hand, the military-civil administration in the CHT is alleged to have undertaken a variety of measures to promote the interests of ethnic Bengalis at the expense of the Hill peoples, while bypassing or undermining many of the constructive provisions of the Peace Accord signed by a democratically elected government in 1997. Specifically, the military-civil bureaucracy provided overt or covert support to a variety of measures constraining the rights and freedom of the ethnic and religious minorities of the region, as follows.

During

this period, Bengali settlers were allowed to encroach on the private and common lands of the Hill peoples in a number of locations in the CHT, often with the tacit blessing of local military commanders and civil officials. In some of these cases, the Pahari homesteads were burnt down and human rights violations took place. Often, the encroaching settlers claimed to have titles to the lands on which the Hill peoples were residing and using for their livelihoods. However, in many cases their documents dated back to the early 1980s, suggesting that these were controversial land titles given to in-migrating Bengali settlers during the period of massive transmigration from the plains, when pre-existing land records and rights of the Hill peoples had been summarily disregarded by the civil and military officials in charge. In some of these instances, the lands grabbed or claimed by Bengali settlers were in the possession of Buddhist temple and monastery complexes, e.g. Karallyachhari in Khagrachhari and Maitri Banani Banabihar in Sajek of Rangamati. In other instances, such occupied lands belonged to Buddhist charitable institutions, such as orphanages.

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typical settlers' story in these various locations was that they had been allotted these lands by the government during the period of insurgency, which overlapped with the period of transmigration. However, they had not been able to possess these lands then due to insurgent attacks, and were now in a position to claim them because of the changed conditions. Curiously, there was no explanation of why such claims had not been made earlier during the entire decade following the Peace Accord (1997-2006), but instead were being made now under the military-backed Caretaker regime (2007-08). The fact that essentially the same story was told by settlers in widely dispersed locations also suggested that it was possibly a 'common transcript' that had been manufactured by a common source or intelligence, which had systematically briefed the settlers on how to make their cases.

To

be fair, it should be noted that quite a few large and high-profile Buddhist temple-cum-monastic complexes, termed Vabna Kendra or 'Meditation Centres', were being constructed in the CHT with large amount of funds and external connections, which had aroused the concern and apprehension of the military. One built on a high hilltop (Furamon) in Rangamati was suspected by the army of being an observation post to keep tabs on their movements in the surrounding

region. At least one of these temple complexes, close to Bandarban town, appeared to be operated as a commercial pilgrimage-cum-tourist complex by a Buddhist monk-cum-entrepreneur. The local military commander had intervened to prevent Buddhist monks from Myanmar from attending a ceremony at this complex, ostensibly because of visa problems.

In parallel to the above, the proliferation of mosques and Islamic religious schools (madrasa), often built on occupied Pahari lands, continued unabated during this interregnum. This was implicitly rationalized by the fact that the Bengali Muslim population of the CHT had increased sufficiently to justify new places of worship and religious learning. In some cases, these settlers' initiatives were provided with overt or covert logistical support and transportation by local military commanders and civilian officials, e.g. in Bandarban town. Combined with the process of taking over the lands of Buddhist temple-cum-monastic complexes, the net effect of the proliferation of mosques and madarasas was to transform the socio-religious landscape of the CHT in ways that made it relatively alien to the Hill peoples, who had inherited from their ancestors a milieu in which there had been very little Islamic influence.

Direct forms of religious discrimination did occur in the CHT, but not on a very large scale. This took the form of intimidation of Buddhist monks and lay worshippers, and desecration of kiyangs (Buddhist temples) by soldiers who strode into them wearing boots (taking off shoes when entering religious precincts is an integral element of Muslim, Hindu and Buddhist religious practice in the region). However, the most destructive mechanism which has been undermining Buddhist religious institutions and social practices has been the taking over of the lands on which their temples and/or monastic complexes were sited, as noted above, by Bengali Muslim settlers, often covertly backed by the army and civil administration. The occupation of the lands of these centres has had a devastating effect on the lay worshippers among the Hill peoples and provided substantive instances of discrimination against the Buddhist minorities. At the same time, it is important to stress that the primary motive behind such acts appears to have been the grabbing of land, to which the religious-ethnic discrimination was a means. Comparable instances have been also evidenced in the case of ethnic minorities in other parts of Bangladesh (e.g. the Santal, Garo and Khasia peoples in Pabna, Mymensingh and Sylhet respectively).

Many of the Hill peoples reported that they had been subjected to threats of violence by not only settlers but also the security forces during the period of the Caretaker government. Many mid-level leaders and cadres of the PCJSS and the UPDF, the two major organizations representing the Hill peoples, have been arrested, while others have absconded and become fugitives. Some of them gave first hand testimonies of arbitrary arrests, interrogation and torture, often on false charges - sometimes compelling them to make false confessions. Middle class professionals among the Hill peoples living in urban centres reported being constantly kept under surveillance by security forces and facing threats of arbitrary arrest, such that they had little sense of freedom. Some did not even feel secure going home at night, and noted that they were made to feel like 'enemy suspects' in a war zone rather than bona fide citizens of the country with equal rights.

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Hill peoples in the Sajek area, whose homesteads had been burnt down in April 2008, reported being intimidated by both Bengali vigilante groups and military personnel, such that many stayed elsewhere at nights. Documents collected from the field suggest that the military zone commander in charge of the Sajek area may have played a crucial role in encouraging the arson and intimidation that forced many of the Paharis to leave the area. Intimidation by settler vigilante groups was reported to have continued to take place even during visits by impartial observers and investigators from outside. On the other hand, some Bengali settlers in the Sajek area claimed that their homesteads had been also burnt down at the same time, and further damaged even after being rebuilt. They put the responsibility on activists of the resistance organizations of the Hill peoples, without being able to give further details.

Prospects of

participation of minority groups of the CHT in the national elections

Recent

newspaper reports indicate that rules framed by the Election Commission have prevented the two major political parties of the Hill peoples, the PCJSS and the UPDF, from being registered and hence being qualified to put up candidates in the forthcoming national election. In that event, their only option will be to choose between candidates put up by the Bengali-led political parties of the country.

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Peace Accord provided for separate electoral rolls for elections to the Hill District Councils and the Regional Council of the CHT, in which eligibility qualifications were based on proof of long-term residence in the region. However, the Accord did not make similar provisions for the electorate for the national election, in which all those present in the CHT, both the Hill peoples and the Bengalis, are eligible to vote.

Such

a situation would not have been problematic for the Hill peoples had they constituted a decisive majority of the voters of the CHT. However, one of the critical consequences of the in-migration and transmigration of settlers under earlier counter-insurgency programmes has been the drastic alteration of the ethno-demographic and religious composition of the population. By 1991, Bengalis were in a majority in two of the three districts of the CHT and accounted for nearly half of the overall population. With continuing in-migration during the subsequent period, the settlers might well have become the majority among the voters of the CHT in 2008, overtaking the Hill peoples in terms of numbers. There is little doubt that the latter will constitute a

minority of the electorate in at least several constituencies of the region where the Bengali settler population is concentrated.

More

disturbing for the Hill peoples wanting to participate in the electoral process is the question of security. Despite nominal freedom and the political right to do so, threats and intimidation by vigilante groups of the settlers may create conditions in which significant proportions of the Hill peoples do not feel it safe to canvass or cast their votes. Paradoxically, calling upon the electoral administration to create a less intimidating environment is unlikely to work, since polling would be conducted under the auspices of the Bengali-dominated civil and military administration. As noted above, the Hill peoples in many parts of the CHT may have little trust or faith in military and civil officials, given the discriminatory treatment that they have received from them. Some of the Pahari activists as well as ordinary villagers caught up in conflicts with settlers and the administration, who have become fugitives, are unlikely to go to election meetings and polling booths for fear of being arrested by the security forces present.

Given

the very short time left before the national elections on 29 December 2008, there is little scope for creating a level playing field for the unconstrained participation of all ethnic and religious groups of the CHT. As noted above, the situation has gone from bad to worse under the Caretaker government, with the military and civil administration having a free hand in promoting settler interests and land gains at the expense of the Hill peoples. One bold option which could be tried out would be to replace the top military commanders and civil officials currently working in the CHT with others who are likely to be more sensitive to the threats and intimidation faced by the Pahari voters. There are a few military officers and civil administrators in the country with such integrity and impartial qualifications, both Bengali and Pahari, who are likely to perform without any bias against the religious and ethnic minorities of the CHT during the national elections as well as the post-electoral democratic process.